

1
2
3
4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 NATIONAL CITY BANK, N.A.,
8

9 Plaintiff,

10 v.

11 REPUBLIC MORTGAGE HOME LOANS,
12 LLC, JOSH WESTMARK, SUSAN
13 TALLMAN, TAMIEKO CODUTE, and
14 SOUN MOFFETT,

15 Defendants.
16

No. C09-1550RSL

TEMPORARY RESTRAINING ORDER

17 This matter having come before the Court on the Complaint and Motion for
18 Temporary Restraining Order and Expedited Discovery of plaintiff National City Bank, N.A.,
19 the Court finds as follows:

20 1. National City Bank has demonstrated a substantial likelihood of success on the merits
21 of most, if not all, of its claims.

22 2. The rights of National City Bank with respect to its property, proprietary and
23 confidential information, and competitive interests are being and will continue to be violated by
24 defendants unless defendants are restrained therefrom.

25 3. National City Bank will suffer irreparable harm and loss if defendants are permitted to
26 (a) convert the property of National City Bank to defendants' own use and benefit and (b) solicit
National City Bank accounts, clients, and customers.

4. National City Bank has no adequate remedy at law.

5. Greater injury will be inflicted upon National City Bank by the denial of temporary

TEMPORARY RESTRAINING ORDER

1 injunctive relief than would be inflicted upon defendants by the granting of such relief.

2 6. Defendants were given notice of National City Bank's complaint and motion via
3 facsimile transmission to Republic Mortgage Home Loans' corporate headquarters in Utah and
4 its branch locations in Tacoma and Federal Way on October 29, 2009. No response has been
5 filed and no attorney has appeared on defendants' behalf.

6 **IT IS HEREBY ORDERED AND DECREED THAT:**

7 1. A Temporary Restraining Order issue immediately and that security in the amount of
8 \$25,000.00 be posted no later than November 2, 2009.

9 2. Defendants are enjoined and restrained, directly or indirectly, and whether alone or in
10 concert with others, including any officer, agent, representative, and/or employee of defendant
11 Republic Mortgage Home Loans, until hearing and thereafter until further Order of the Court
12 from:

13 a. initiating or continuing any contact or communication with any client of
14 National City Bank whom the individual defendants served or whose name became known to the
15 individual defendants while in the employ of National City Bank either for the purpose of
16 advising said clients of their new affiliation or for the purpose of inviting, encouraging, or
17 requesting the transfer of any accounts or business from National City Bank (excluding members
18 of defendants' family and relatives);

19 b. accepting any business, including account transfers, from any clients whom the
20 individual defendants served or whose name became known to the individual defendants while
21 in the employ of National City Bank (excluding members of defendants' family and relatives);

22 c. accepting any business, including account transfers, from any client whose
23 records or information defendants obtained while in the employ of National City Bank
24 (excluding members of defendants' family and relatives); and

25 d. using, disclosing, or transmitting, for any purpose, information contained in the
26 records of National City Bank or concerning its customers, including for purposes of soliciting

1 or accepting business or account transfers from any customer formerly serviced by the individual
2 defendants.

3 3. Defendants, and anyone acting in concert or participation with defendants who
4 receives actual notice of this Order, including any agent, employee, officer, or representative of
5 defendant Republic Mortgage Home Loans, are further ordered to return to National City Bank
6 any and all records, documents, and/or information pertaining to National City Bank customers,
7 whether in original, copied, computerized, handwritten, or any other form, and to purge any such
8 information that is not capable of being physically relinquished to National City Bank from their
9 possession, custody, or control within twenty four (24) hours of service of this Order upon
10 defendants or their legal counsel, provided, however, that a summary of any such purged records
11 shall first be provided to National City Bank.

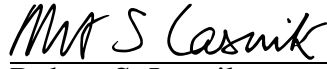
12 4. This Order shall remain in full force and effect until hearing and thereafter until
13 further Order of the Court.

14 5. The parties are granted leave to commence discovery, including depositions,
15 immediately in aid of preliminary injunction proceedings before the Court.

16 6. Defendants shall show cause before the Honorable Robert S. Lasnik on November 13,
17 2009, at 10:00 a.m. in on the 15th floor of the United States Courthouse, 700 Stewart Street,
18 Seattle, Washington, why a Preliminary Injunction should not be ordered according to the terms
19 and conditions set forth above. Defendants may file and serve a written response to National
20 City Bank's complaint and motion no later than 4:30 p.m. on November 9, 2009. National City
21 Bank may file and serve a written reply no later than 10:00 a.m. on November 12, 2009.

22 7. The Clerk of Court is directed to fax a copy of this Order to defendants' Federal Way
23 office at (253) 941-1605. Chambers staff will also attempt to contact that office by telephone
24 using information contained in the exhibits attached to the complaint.
25
26

1 DATED this 30th day of October, 2009, at 11:00 a.m.

2 
3 Robert S. Lasnik,
4 United States District Judge
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26